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In The

Supreme Court of the United States

October Term, 1978

No. 78-511

LO-JI SALES, INC.,

Petitioner,

v.

STATE OF NEW YORK,

Respondent.

REPLY BRIEF IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI TO THE NEW YORK COURT OF APPEALS

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Printinghouse Press – Bar Ass'n Steno Serv. (Appeals Section) 212-840-1891

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ARGUMENT

The Petition in opposition to the Writ of Certiorari sought herein sets forth the following:

> "The Judge then viewed the pictures on the box. If he was satisfied from viewing the pic-

tures that there was probable cause to believe that the film inside was obscene under the Penal Law, he directed the police to seize it" p. 5 (underlining supplied)

* * * * * * * * *

"The Judge looked through enough of each magazine so that he could determine whether there was reasonable cause to believe that the individual magazine was obscene under the New York State Penal Law." p. 5 (underlining supplied)

* * * * * * * * *

"The fact that the Judge did not view the material in its entirety before deciding whether or not reasonable cause existed for its seizure does not change the principles to be applied." p. 10.

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"The fact that more than one copy of the magazine or film was temporarily seized also does not change the principles to be applied." p. 11.

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"Likewise, the fact that the quantity of 8 mm films and pictorial magazines (seized)numbered approximately 900 items does not change the principles to be applied." pp. 11-12.

If the above facts and legal assertions do not establish a constitutionally impermissible seizure in violation of the First, Fourth and Fourteenth Amendments, fifty years of prior restraint precedents of this Court have been abbrogated.

Respectfully submitted,

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